

**REMARKS****Status of Claims**

The Applicant respectfully requests reconsideration of the instant application in view of the following remarks. Claims 43-46 and 56-57 are currently pending in this application. Claims 1-42, 47-55 and 58-59 were previously canceled. No amendments have been made to the claims.

**Rejections under 35 U.S.C. §102 and §103**

Claims 43, 45, 46, 56 and 57 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,521,719 to Yamada (hereafter Yamada). Claim 44 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of U.S. Patent No. 5,767,985 to Yamamoto et al. (hereafter Yamamoto).

After a detailed review of Yamada, The Applicant respectfully disagrees with the Examiner's conclusions. Specifically, Yamada does not appear to disclose the claimed first instruction reception means, second instruction reception means or processing means recited in claim 43. In claim 43, the above features are specifically claimed as follows:

“first instruction reception means for receiving an instruction generated based on said message returned by said returning means;

second instruction reception means for receiving an instruction indicating a facsimile communication without reception of the instruction by said first instruction reception means;

processing means for processing the facsimile image data received by said facsimile reception means without performing the converting by said conversion means in a case where said second instruction reception means receives the instruction.”

Similar features are also recited in claims 56 and 57.

In the Office Action, the Examiner relies on Col. 15, lines 20-25; Col. 16, lines 28-33 and Col. 17, lines 46-52 of Yamada for teaching the first instruction reception means. However, in Yamada these teachings are directed to procedure processes 04, 14, 24 that output relevant facsimile data as electronic mail to the electronic mail server 138 or PC 135 connected to the LAN. Therefore, it would appear from a close reading of Yamada that these procedure processes, relied on by the Examiner, are used to send information or instructions, not to receive.

With regard to the second instruction reception means, the Examiner relies on Co. 15, lines 13-19; Col. 16, lines 21-27 and Col. 17, lines 40-45 for teaching the above feature. However, in Yamada these teachings are directed to procedure processes 03, 13, 23, which are similar to the procedure processes noted above. In other words, these procedure processes are used to send data, not receive it.

Moreover, based on the above, it logically follows that Yamada could not teach the claimed processing means. This is because the claimed processing means relies on the receipt of an instruction by a second instruction reception means.

As noted above, Yamada does not appear to disclose the receipt of an instruction by the second instruction reception means.

Accordingly, claims 43 and 56-57 are believed to be distinguishable over Yamada at least for the reasons noted above. Likewise, claims 44-46 are also believed to be distinguishable over Yamada based on their dependency on claim 43.

### **CONCLUSION**

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims and allowance of this application.

### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4458.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4458.

Respectfully submitted,  
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